



W.R. Grace not the only culprit

By DARREL C. ORR

Finally, we receive news that W.R. Grace executives will be indicted on conspiracy charges relating to Libby. That's a good start. Now, if we can just lobby the grand jury to follow this to the next level and issue indictments to the local, state, and federal bureaucrats who looked the other

Guest Opinion

way as this regulatory failure unfolded over the last several decades. They already have the pertinent information; the reports cited in the indictment have been around for years. These reports weren't hidden. They were ignored by our government funded "safety net." Now they want to claim Grace withheld the information contained in those public reports. Grace and EPA share common ground and motivation in ignoring the political realities of the past because of a shared culpability in the medical realities of today.

To my knowledge, Grace never won a lawsuit that the individual miners started filing in the '70s. If workers could show physical harm, even if smoking cigarettes was a considered factor, they won damages. No governing authority saw that as evidence of a problem? Grace was handing out respirators, but no one tied that to risks of lung disease? Chest X-rays were required for continued employment. Is this normal business practice?

EPA, NIOSH, MSHA and a host of alphabet soup entities have known of the problems in Libby for decades. They commissioned studies which Grace countered with their commissioned studies, and we still have no peer reviewed science to work with. The health screening doesn't even meet standards to constitute their findings as a diagnosis, yet we hear reports of "hundreds" of dead and dying. Jim Christiansen recently said in a CAG meeting that every report about any facet of tremolite asbestos can be countered by another report, reducing the arguments to a mere matter of "opinion."

EPA would love to keep this issue a matter of "opinion" and squelch the

science. According to the EPA Office of Inspector General, it is their "opinion" that they ignored this in the '70s and '80s because EPA authority was fragmented and funding levels affected their ability to internally communicate the dangers after they had been identified. The Office of the Inspector General investigation refused to identify Grace's ability to buy political influence as a factor in this regulatory failure; the grand jury seems poised to do the same.

It is easy to blame that evil faceless Grace corporation for their greed, but not so easy to get our elected officials to admit that they failed us through their greed. They call this a mining disaster when their efforts are focused on removing attic insulation and soil conditioner that we paid to have installed. They are removing a regulated commercial product, not a mining byproduct for which you can blame Grace. EPA is expressly prohibited by Superfund regulations from spending money removing commercial products. They allow this to avoid the questions of how these products were approved for distribution around the country in the first place.

Grace socked away hundreds of millions of dollars for the day when the bubble would ultimately burst. Grace also continued to spend great amounts on political issues in an attempt to influence the political process. Most of Grace's attempts to manipulate the political process are more sophisticated than the \$1 million they spent on improvements to private property owned by Libby Mayor Tony Berget, but not much. When we called this move (an apparent conflict of interest), EPA, Grace, county, city and school officials came to the mayor's rescue with a letter of support.

Subsequently, all local entities were rewarded with EPA funded projects. County commissioners even appointed Berget, head of the Environmental Committee of their Healthy Communities Initiative. EPA officials had secret meetings with the city to discuss how to avoid criminal charges. The resulting exposures from tremolite encountered after EPA and the mayor allowed Grace to perform a superficial cleanup of Riverside Park were dismissed as

exposures to "clean" vermiculite, not the usual "two fibers will kill you" stuff.

I am getting fairly adept at predicting where this is leading us as a community. I don't think high-level Grace officials will see much, if any, jail time. Grace is alleged to have set aside tens of millions of dollars in accrual accounts for future liability and has been accused of transferring billions out of the corporation before the media got ahold of the issue. EPA has already laid claim to \$54 million from Grace and some government agency likely will win another \$200 or so million from the trial.

Grace would love to get away with spending only \$200 million or \$300 million in Libby. They planned on spending much more than that, even in the billions. Government regulatory authorities will manage this windfall in a manner that avoids the questions of their past malfeasance. Indeed they will spend Grace's money, subsidized by taxpayer money, portraying themselves as our heroes.

Grace gets off cheap, derelict regulators become heroes, and the people of Libby live in paralyzing fear. Unable to move ahead for fear of the unknown, ignorant of the failures of the past, society grinds to a halt.

Orr is a resident of Libby.